
SENATE BILL 5440

State of Washington

54th Legislature

1995 Regular Session

By Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer

Read first time 01/23/95. Referred to Committee on Education.

1 AN ACT Relating to students with firearms on school property; and
2 amending RCW 9.41.280.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.280 and 1994 sp.s. c 7 s 427 are each amended to
5 read as follows:

6 (1) It is unlawful for a person to carry onto, or to possess on,
7 public or private elementary or secondary school premises, school-
8 provided transportation, or areas of facilities while being used
9 exclusively by public or private schools:

10 (a) Any firearm;

11 (b) Any other dangerous weapon as defined in RCW 9.41.250;

12 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
13 two or more lengths of wood, metal, plastic, or similar substance
14 connected with wire, rope, or other means;

15 (d) Any device, commonly known as "throwing stars", which are
16 multi-pointed, metal objects designed to embed upon impact from any
17 aspect; or

1 (e) Any air gun, including any air pistol or air rifle, designed to
2 propel a BB, pellet, or other projectile by the discharge of compressed
3 air, carbon dioxide, or other gas.

4 (2) Any such person violating subsection (1) of this section is
5 guilty of a gross misdemeanor. If any person is convicted of a
6 violation of subsection (1)(a) of this section, the person shall lose
7 his or her concealed pistol license, if any. The court shall send
8 notice of the revocation to the department of licensing, and the city,
9 town, or county which issued the license.

10 Any violation of subsection (1) of this section by elementary or
11 secondary school students constitutes grounds for expulsion from the
12 state's public schools in accordance with RCW 28A.600.010. However,
13 any violation of subsection (1)(a) of this section by an elementary or
14 secondary school student shall result in expulsion for ~~((an indefinite
15 period of time))~~ at least one year in accordance with RCW 28A.600.010,
16 unless the term of expulsion is modified by the school district
17 superintendent on a case-by-case basis. If a student has been expelled
18 from the regular school setting, educational services may be provided
19 for the student in an alternative setting. An appropriate school
20 authority shall promptly notify law enforcement and the student's
21 parent or guardian regarding any allegation or indication of such
22 violation.

23 (3) Subsection (1) of this section does not apply to:

24 (a) Any student or employee of a private military academy when on
25 the property of the academy;

26 (b) Any person engaged in military, law enforcement, or school
27 district security activities;

28 (c) Any person who is involved in a convention, showing,
29 demonstration, lecture, or firearms safety course authorized by school
30 authorities in which the firearms of collectors or instructors are
31 handled or displayed;

32 (d) Any person while the person is participating in a firearms or
33 air gun competition approved by the school or school district;

34 (e) Any person in possession of a pistol who has been issued a
35 license under RCW 9.41.070, or is exempt from the licensing requirement
36 by RCW 9.41.060, while picking up or dropping off a student;

37 (f) Any nonstudent at least eighteen years of age legally in
38 possession of a firearm or dangerous weapon that is secured within an

1 attended vehicle or concealed from view within a locked unattended
2 vehicle while conducting legitimate business at the school;

3 (g) Any nonstudent at least eighteen years of age who is in lawful
4 possession of an unloaded firearm, secured in a vehicle while
5 conducting legitimate business at the school; or

6 (h) Any law enforcement officer of the federal, state, or local
7 government agency.

8 (4) Subsections (1) (c) and (d) of this section do not apply to any
9 person who possesses nun-chu-ka sticks, throwing stars, or other
10 dangerous weapons to be used in martial arts classes authorized to be
11 conducted on the school premises.

12 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of
13 this section, firearms are not permitted in a public or private school
14 building.

15 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
16 giving warning of the prohibition of the possession of firearms on
17 school grounds.

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